Lawyers Lead Freedom Struggle

By Gilbert Ware

Have you heard the parable about the pig and the oak tree?

As a Philadelphia news commentator tells it, the pig ate its fill of acorns from an oak tree and then started digging around the tree. "You shouldn't do that," an old crow said to the pig. "If you lay bare the roots, the tree will wither and die."

"Let it die," the pig replied. "Who cares so long as there are acorns?"

The parable comes to mind when I recall the prattle of a young black lawyer in the nation's capital. "I have no inclination to join or find out about the Washington Bar Association," he told a newspaper reporter. Why not? "It just doesn't sound like the thing I want to devote my dwindling time to."

What is it Judge William H. Hastie once said?

"Someone has written that whom the gods would destroy they first deprive of a sense of history," he said. "I think this is true. For history informs us of past mistakes from which we can learn without repeating them. It also inspires us and gives us confidence and hope bred of victories already won."

More than we know, acorns — the good things in our lives — are the fruits of labor by black lawyers. More than we know, because historical accounts fail to tell us about their role in the struggle for freedom. Let me tell you a bit about two groups of them.

Congressmen, 1871-1901

One group was in Congress during Reconstruction and its aftermath. One moment in their struggle stands out: 6 January 1874. Back in Congress and dead set against a civil rights bill was Alexander Stephens of Georgia, former vice president of the Confederate States of America. Also in Congress was Robert Browne Elliott of South Carolina, and on that day he rose to address the House.

NBA born out of fight against ABA's policy of discrimination

Judge James L. Watson, U.S. Customs Court, New York City, listens as Judge George W. Crockett Jr., Recorder's Court in Detroit, addresses NBA Judicial Council in Washington (1972)

Judge Joseph C. Howard Sr., Supreme Bench, Baltimore, left, and Congressman John Conyers, Detroit, hear Congressman Parren J. Mitchell, Baltimore, speak. Rep. Mitchell is now chairman of the Congressional Black Caucus.

When Stephens, said Elliott, "lends his voice and influence to defeat this measure, I do not shrink from saying that it is not from him that the American House of Representatives should take lessons in matters touching human rights or the joint relations of the state and national governments."

When Stephens, Elliott continued, "throws himself with all his power and influence across the path which leads to the full enfranchisement of my race, I meet him only as an adversary . . . ."

Elliott studied in Jamaica and England, and before going to Congress had been a member of the state constitutional convention, a state legislator, state adjutant general and editor of the **Charleston Leader.** The year before his famous speech, with William J. Whipper and Macon B. Allen he had established the nation's first black law firm in Charleston in 1873.

The year of that speech was one in which Elliott and his brothers at the bar would continue to travel a route described by James Weldon Johnson:

We have come over a way
that with tears has been
watered,

We have come, treading our
path through the blood of
the slaughtered . . . .

In that year (1874), for example, white vigilantes snatched sixteen blacks from a jail in Tennessee on Aug. 26 and killed them, and on Dec. 7 whites massacred thirty-five blacks in

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